

misled the purchaser, in that the said statement represented that each of the said sacks contained 140 pounds of the said article, whereas, in truth and in fact, each of said sacks did not contain 140 pounds of the article but contained a less quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity stated was not correct.

On February 19, 1924, Minnigerode & Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,350, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12156. Adulteration and misbranding of prepared mustard. U. S. v. Empire Bottling Works, a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 17518. I. S. No. 15954-t.)

On August 28, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Empire Bottling Works, a corporation, Newark, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 20, 1922, from the State of New Jersey into the State of New York, of a quantity of prepared mustard which was adulterated and misbranded. The article was labeled in part: "Empire Brand Prepared Mustard * * * Empire Bottling Works, Newark, N. J."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added mustard hulls or bran.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, added mustard hulls, had been substituted in part for prepared mustard, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Prepared Mustard," borne on the labels attached to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that it represented that the article consisted wholly of prepared mustard, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of prepared mustard, whereas, in truth and in fact, it did not so consist but did consist in part of added mustard hulls.

On December 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12157. Adulteration of walnut meats. U. S. v. 3 Cases, et al., of Walnut Meats. Decree entered providing for release of a portion of the product under bond to be sorted. Default decrees entered providing for destruction of remainder. (F. & D. Nos. 17310, 17320, 17331, 17333, 17346, 17350, 17356, 17376. I. S. Nos. 7690-v, 7698-v, 7699-v, 8195-v, 8196-v, 8197-v, 8198-v, 8199-v, 8200-v, 11276-v, 11277-v, 11281-v. S. Nos. W-1329, W-1336, W-1339, W-1343, W-1344, W-1345, W-1350, W-1351.)

On March 24, 1923, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 246 cases of walnut meats, remaining in the original unbroken packages in part at Salt Lake City and in part at Ogden, Utah, alleging that the article had been shipped by the Sanitary Nut Shelling Co., from Los Angeles, Calif., between the dates of November 29, 1922, and February 9, 1923, and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Order Of Sanitary Nut Shelling Co."

Adulteration of the article was alleged in substance in the libels for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On February 9, 1924, the Sanitary Nut Shelling Co., Los Angeles, Calif., having appeared as claimant for 223 cases of the product and having paid the costs of the proceedings and executed a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned that the product be sorted